

REMARKS

Applicants respectfully request entry of the amendment and consideration of the claims. Claims 1, 5, 10, 13, and 15 have been amended. Claims 21-22 have been cancelled without prejudice or disclaimer. Claims 26-32 are newly presented. After entry of the amendment, claims 1-10, 13-20, and 23-32 will be pending.

Applicants submit the amendment is supported by the specification and does not introduce new matter. Claim 1 as amended is supported by the specification, for example, at page 7 of the application. New claim 26 is supported by the specification, for example, at page 6-13. New claim 27 is supported by the specification, for example, at claim 10 as originally filed. New claims 28-31 are supported by the specification, for example, at claim 13 as originally filed. New claim 32 is supported by the specification, for example, at page

Restriction Requirement

The Office Action alleges restriction to one of Groups I-III is required under 35 U.S.C. §§ 121 and 372. Applicant elect group I (claims 1-20, drawn to a composition comprising metformin and fibrate) without traverse. The elected group encompasses claims 1-10, 13-20, and 26-32. Claims 11-12 have been cancelled without prejudice or disclaimer.

The Office Action has required restriction between product and process claims. Where claims directed to the product are elected and the product claims are subsequently found to be allowable, Applicants note that withdrawn process claims that depend from or otherwise require all the limitations of the allowable product claims must be considered for rejoinder. MPEP § 821.04(b).

U.S. Patent Application Serial No. 10/586,801

Amendment dated December 17, 2009


Reply to Restriction Requirement Office Action of October 22, 2009

If the Examiner believes a telephone conference would advance the prosecution of this application, the Examiner is invited to telephone the undersigned at the below-listed telephone number.

Respectfully submitted,

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